

REMARKS

Claims 1-3 are pending in the application. The Examiner has rejected Claims 1-3 under 35 U.S.C. §103(a) as being obvious over Tomcik et al. (U.S. Patent 6,567,388). In addition, the Draftsperson has objected to the drawings under 37 C.F.R §1.84(l) as not having uniform and well defined lines, numbers and letters.

Please note that Claim 1 has been amended to correct an informality. The element that states, “transmitting a retransmission request frame including fields that indicate the sequence numbers *from* the receiver”, has been amended to recite “transmitting a retransmission request frame including fields that indicate the sequence numbers *in* the receiver”. Entry of the amendment is respectfully requested.

Regarding the objection to the drawings, attached hereto is a clean set of formal drawings. Withdrawal of the objections to the drawings is respectfully requested.

Regarding the rejections of Claims 1-3, the Examiner states that “requesting retransmission of the lost RLP frame upon receipt of an RLP frame of a higher sequence number than the sequence number of the lost RLP frame” as recited in the claims would be obvious to one skilled in the art. Applicant respectfully disagrees. As the Examiner states, Tomcik et al. only teaches an out of order sequence number and not an RLP frame of a higher sequence number as recited in the claims of the present application. The fact that the main reference relied upon by the Examiner does not disclose or suggest that which the Examiner considers “obvious”, is clear evidence of its non-obviousness. It is respectfully requested that the Examiner provide a reference that clearly shows that upon receipt of an RLP frame of a higher sequence number than the sequence number of the lost RLP frame, the retransmission for a lost RLP frame is requested, or allow the claims.

Finally, we note that the Examiner has not returned the Form 1449 filed with the Information Disclosure Statement filed on November 4, 2002. It is requested that the Examiner

review and initial the November 4, 2002 Information Disclosure Statement.

Independent Claims 1, 2 and 3 are believed to be in condition for allowance. Accordingly, all of the claims pending in the Application, namely, Claims 1, 2 and 3, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", is written over the typed name.

Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516

PJF/MJM/dr